

MARICOPA COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS MINUTE BOOK

**FORMAL SESSION
June 20, 2007**

The Board of Directors of the Flood Control District of Maricopa County, Phoenix, Arizona, convened in Formal Session at 9:00 a.m., June 20, 2007, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Fulton Brock, Chairman, District 1, Andrew Kunasek, Vice Chairman, District 3, Don Stapley, District 2, Max W. Wilson, District 4 and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board, Shirley Million, Minutes Coordinator, David Smith, County Manager, Victoria Mangiapane, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-no-absent-abstain.

EASEMENTS AND RIGHT-OF-WAY ACQUISITION DOCUMENTS

No easements or right-of-way acquisition documents were presented for approval at this meeting. (ADM1910)

CHANGE ORDER FOR WHITE TANK FLOOD RETARDING STRUCTURE REMEDIATION

Motion was made by Director Stapley, seconded by Director Wilcox, and unanimously carried (5-0) to approve Change Order No. 9 to the contract with Ames Construction, Inc., Contract FCD 2004C017, in the amount of \$217,842.26 – White Tank Flood Retarding Structure (FRS) No. 3 Remediation Phase 1 (Project #470). Change Order No. 9 is required to address the unforeseen cost overruns associated with the two test trenches authorized in Change Order No. 6 and costs incurred for limited contractor standby and District directed site demobilization prior to the start of Change Order No. 7.

Also, reauthorize the change order authority for Contract FCD 2004C017 for the District Chief Engineer and General Manager (CE & GM) to \$250,000.00 maximum and for the County Engineer to \$1,000,000.00 maximum, with a revised contract base of \$12,561,181.87, including Change Order No. 9. Additional change orders may be required to complete the project due to unknown project site conditions, likelihood of materials cost increases, and changes of governmental partners' requirements. (C6905064502) (ADM1918)

AMENDMENT TO IGA WITH CHANDLER FOR QUEEN CREEK ROAD BASIN PROJECT

Motion was made by Director Stapley, seconded by Director Wilcox, and unanimously carried (5-0) to approve Amendment No. 1 to the intergovernmental agreement (IGA) FCD2004A014A, Queen Creek Road Basin Project, with the City of Chandler for the cost-sharing, design, utility relocation, construction, construction management, and operation and maintenance of the Queen Creek Road Basin Project. The Project is located at the southeast corner of Queen Creek Road and McQueen Road Project. The Project is estimated to cost \$2,200,000. Amendment No. 1 redefines the project time frame and the District's total project cost share. (C6905084201)

IGA WITH CITY OF PHOENIX FOR 24TH AVENUE & CAMELBACK ROAD WATERSHED STORM DRAINAGE PROJECT

Motion was made by Director Stapley, seconded by Director Wilcox, and unanimously carried (5-0) to approve intergovernmental agreement (IGA) FCD 2006A003 with the City of Phoenix for the design, rights-of-way acquisition, utility relocations, construction, construction management, and operation and maintenance of the 24th Avenue and Camelback Road Watershed Storm Drainage Project (#625); to include funding in the current and future Five Year Capital Improvement Programs. (C6907057200)

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CONTRACT FOR THE BETHANY HOME OUTFALL CHANNEL

Motion was made by Director Stapley, seconded by Director Wilcox, and unanimously carried (5-0) to award Contract FCD 2006C007 to Olsson Associates, for the Bethany Home Outfall Channel from 67th Avenue to Indian School Road, #620 (Project). The Consultant will provide professional engineering services to prepare final design plans, special provisions, and engineer's estimates for the Project. The basic contract is for a lump sum of \$283,155, plus a not-to-exceed fee of \$122,049 for optional items, which include additional project coordination and public meetings, additional survey, additional geotechnical investigations, potholing utilities, designing utility relocations associated with pedestrian undercrossings, additional structural design, design of a relocated sewer line, and analyzing the benefits of various construction methods, will only be implemented if needed. The total contract amount, including the optional items will not exceed \$405,204. The contract performance is 378 calendar days effective the date of the Notice to Proceed. Cost share is 50% District, 25% City of Glendale, and 25% City of Phoenix. (C6907063500)

IGA WITH CITY OF MESA FOR SIPHON DRAW DRAINAGE IMPROVEMENTS

Motion was made by Director Stapley, seconded by Director Wilcox, and unanimously carried (5-0) to approve intergovernmental agreement (IGA) FCD 2006A005, with the City of Mesa for Siphon Draw Drainage Improvements (#442), which include pre-design, design, rights-of-way acquisition, and utility relocations. This IGA identifies the responsibilities for the District and the City of Mesa. The cost share between the partners will be split 50/50. The estimated cost for the pre-design, design, rights-of-way acquisition, and utility relocations is \$2,500,000. The District's estimated cost share amount will be \$1,250,000. The design of the contract will begin in FY 2007-08. (C6907064200)

ADJUSTMENTS TO THE CIP EXPENDITURE BUDGET

Motion was made by Director Stapley, seconded by Director Wilcox, and unanimously carried (5-0) to approve adjustments to the current FY 2006-07 Capital Improvements Program (CIP) expenditure budget of the Flood Control District of Maricopa County, Department (690), Fund (990). The requested adjustments are primarily the result of changes in the Land Acquisition and Construction schedules of several of the District's major capital projects. The adjustments are necessary to support these schedule changes and to maximize utilization of the District's budgeted funds. The requested adjustments are as follows: (C6907065800) (ADM1900-003)

Project No,	Name	Amount
117	South Phoenix Drainage Improvement	\$20,000
120	PVSP (Paradise Valley, Scottsdale, Phoenix)	\$668,000
121	EMF (East Maricopa Floodway)	\$21,000
126	Salt / Gila	\$2,000
202	McMicken Dam	\$1,000
300	Spook Hill	\$7,000
350	Cave Buttes Dam	\$(5,000)
420	Spook Hill Watershed	\$14,000
442	East Mesa	\$96,000
450	Glendale – Peoria	\$61,000
470	White Tanks	\$(1,000)
480	Queen Creek	\$(4,000)
580	ACDC	\$13,000
620	Maryvale	\$73,000

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625 Metro
FCPR Project
Reserve

\$143,000
\$(1,109,000)

DONATION AND TRANSFER FROM FOWLER BASIN ARTIFACTS TO THE PUEBLO GRANDE MUSEUM

Motion was made by Director Stapley, seconded by Director Wilcox, and unanimously carried (5-0) to adopt Resolution FCD 2007R004, which authorizes the donation and transfer of the Fowler Basin Artifacts to the Pueblo Grande Museum, which is owned and operated by the City of Phoenix. During a preconstruction archeological survey, the City's consultant discovered and reclaimed artifacts in the Fowler Basin area, within the future DRCC basin area, which is currently owned by the District. The City is holding the artifacts and has requested that we allow transfer of these artifacts and associated reports to the Pueblo Grande Museum for educational, historical, and research purposes. The artifacts will be secured and preserved at the Pueblo Grande Museum in compliance with the provisions of Arizona Revised Statutes 41-844-A. (C6907066600) (ADM1900-002)

**RESOLUTION FCD 2007R004
DONATION AND TRANSFER OF THE
FOWLER BASIN ARTIFACTS TO
THE PUEBLO GRANDE MUSEUM**

WHEREAS, pursuant to Arizona Revised Statutes 48-3603.C the Flood Control District of Maricopa County (District) has authority to construct, operate and maintain flood control works and storm drainage facilities, and

WHEREAS, pursuant to District Resolution FCD 2002R012 (C-69-03-035-6-00) and Intergovernmental Agreement IGA FCD 2003A014 (C-69-04-089-2-00) with the City of Phoenix, the District is constructing the 75th Avenue Storm Drain and Durango Regional Conveyance Channel (DRCC) Project, and has completed pre-construction surveys of the Fowler Basin site, a part of the DRCC project; and

WHEREAS, a preconstruction archaeological survey of the Fowler Basin site conducted by the City's contractor has located and identified historical artifacts; and

WHEREAS, Arizona Revised Statutes 41-844.A requires a municipal corporation to report archaeological, paleontological or historical sites or objects discovered on lands that the municipal corporation owns or controls and to take reasonable steps to secure and maintain the site or objects; and

WHEREAS, the City of Phoenix owns and operates the Pueblo Grande Museum and has expressed an interest in curating the artifacts and associated materials at the museum; and

WHEREAS, the cost to the District to provide permanent protection for the artifacts exceeds the value of the artifacts, and permanent curation and protection of the artifacts at the Pueblo Grande Museum would be consistent with the District's concern for securing and maintaining the artifacts and would be in the best interest of the District;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Flood Control District of Maricopa County approves the donation and transfer of the Fowler Basin artifacts and associated materials to the Pueblo Grande Museum and directs the Chairman of the Board to execute the attached document directing such donation and transfer.

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DATED this 20th day of June 2007. (C6907066600)

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

CONTINUED USE OF SHERIFF'S CURRENT SHOOTING RANGE THROUGH DECEMBER 31, 2007

Motion was made by Director Stapley, seconded by Director Wilcox, and unanimously carried (5-0) to approve Intergovernmental Agreement (IGA) FCD 2007A002 between the Flood Control District of Maricopa County and Maricopa County that provides for the continued use of the Sheriff's current shooting range located on District owned land behind McMicken Dam. The IGA provides a 41-month lease term commencing on August 1, 2004 through December 31, 2007, and provides for the County to pay for the cost of environmental remediation after the County vacates the premises. The County will pay rent of \$2,000 per month from August 1, 2004, to the present and continue payment through December 31, 2007, or until the property is vacated. The County retains responsibility for environmental remediation and cleanup of its portion of the site beyond the expiration date of the lease term. Board action was also taken to approve this IGA under agenda item (C1807042200). (C6907067200)

REVENUE AND EXPENDITURE ADJUSTMENTS

Motion was made by Director Stapley, seconded by Director Wilcox, and unanimously carried (5-0) to approve the Flood Control District of Maricopa County (District) FY 2006-07 revenue and expenditure adjustments as follows:

- Decrease in the Flood Control District, Dept. (690), Operating Fund (991) revenue budget of \$4,106,000.
- Decrease in the Flood Control District, Dept. (690), Operating Fund (991) expenditure budget of \$2,720,552.
- Decrease in the Flood Control District, Dept. (690), Capital Projects Fund (990) revenue budget of \$2,720,552.
- Increase in the Flood Control District, Dept. (690), Elimination Fund (900) revenue and expenditures budgets of \$2,720,552. (C6907068800) (ADM1900-003)

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Fulton Brock, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board